

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KIMBERLY ELLEFSON,

CASE NO. CV25-5583

Plaintiff,

ORDER

v.

PINE TREE HARBOR et al,

Defendant.

THIS MATTER is before the Court on pro se plaintiff Ellefson's second emergency motion for a temporary restraining order, Dkt. 8. The Court denied Ellefson's first such motion, Dkt. 2, because she failed to state a plausible claim, had not demonstrated that she was likely to succeed on the merits of her claim(s), and failed to satisfy the remaining requirements for injunctive relief. Nor had she demonstrated an "emergency" or explained why she did not notify the many defendants of her motion, so that they could respond to it. Dkt. 5.

Ellefson's second effort fails for similar reasons. Unlike her first motion, this one includes an application to proceed *in forma pauperis*,¹ Dkt. 7, supported by a proposed amended complaint, Dkt. 7-1, but her factual narrative remains difficult to follow and wholly conclusory. Her motion asserts that the Washington Division of Vocational Rehabilitation (DVR) is wrongfully refusing to pay her tuition, and asks the Court to force it to do so, but her amended complaint does not assert such a claim. It instead asserts four vague claims that seem to arise from different conduct, by different defendants:

First Amendment Retaliation

Defendants silenced my protected speech through intimidation, procedural manipulation, and targeted harassment.

Whistleblower Protection Violations

Retaliatory removal and professional sabotage following federally protected disclosures.

ADA & Rehabilitation Act Violations

Deliberate refusal to accommodate my disability, exacerbation of trauma, and obstruction of my vocational and educational rights.

Abuse of Process & Malicious Retaliation

Defendants weaponized administrative procedures against me, intentionally inflicting emotional distress and professional damage.

Dkt. 7-1 at 4. Nor does she seek in her complaint the relief she seeks in her emergency motion. Her amended complaint seeks only:

Federal Investigation into documented SUD funding fraud.

Sanctions against Tacoma officials for obstruction and retaliation.

Injunctive Relief halting harassment and removal from public roles.

Damages for educational disruption, medical harm, financial loss, and emotional trauma.

¹ Ellefson's amended complaint also seeks to sue the Clerk's Office for unconstitutionally rejecting her prior *in forma pauperis* application. Dkt. 7-1 at 52–56. That document reflects two vehicles and \$10,000 as assets she does not disclose in her current application, Dkt. 7.

1 **Federal Recognition** of protected whistleblower status and retaliation.

2 *Id.*

3 Ellefson has not articulated facts stating a plausible claim, and she has not
4 articulated a claim against DVR for the payment of tuition, an issue seemingly unrelated
5 to her whistleblowing or her prior employment.

6 For a court to grant injunctive relief, the plaintiff “must establish that she is likely
7 to succeed on the merits, that she is likely to suffer irreparable harm in the absence of
8 preliminary relief, that the balance of equities tips in her favor, and that an injunction is in
9 the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). A court
10 may issue a temporary restraining order without notice only if the moving plaintiff
11 demonstrates that she is likely to suffer immediate and irreparable injury before the
12 adverse party (or parties) can be heard in opposition, describes what efforts she made to
13 give notice, and explains why notice should not be required. Federal Rule of Civil
14 Procedure 65(b)((1)(A) and (B). Ellefson does not address these requirements, and there
15 is no claim or evidence that she notified defendants of her motion.

16 Ellefson’s proposed amended complaint does not state a plausible claim, and her
17 motion does not meet the requirements for a temporary restraining order. She has at most
18 demonstrated that she will suffer harm if the tuition is not paid, but she has not
19 demonstrated that she is likely to succeed on the merits of any claim requiring DVR to
20 pay that tuition. The Court notes that Ellefson’s first motion was the apparently result of
21 DVR’s request that she designate a doctor to complete an updated psychological
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1 examination, and that she submit an updated Individualized Plan for Employment. Her
2 current motion does not reference that process or its outcome.

3 Ellefson's second emergency motion for a temporary restraining order, Dkt. 8, is
4 **DENIED.**

5 **IT IS SO ORDERED.**

6 Dated this 18th day of July, 2025.

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9 BENJAMIN H. SETTLE
10 United States District Judge
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